REMARKS

Claims 1-20 are pending and under consideration.

PAGE 2: ALLOWABLE SUBJECT MATTER

Claims 14-16 are allowed.

Claims 4-8, 12, and 13 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Applicant appreciates the indications of allowable subject matter. However, claims 4-8, 12, and 13 are not rewritten to independent form, since patentability is submitted to reside in the independent claim 1 from which claims 4-8 depend and in the independent claim 9 from which claims 12 and 13 depend.

TRAVERSE OF REJECTIONS

The Examiner rejects independent claims 1, 9, 10, and 17 (and dependent claim 2) under 35 U.S.C. §102(b) as being anticipated by Moritan et al. (U.S.P. 5,715,116); and rejects dependent claims 3, 11, and 18-20 under 35 U.S.C. 103(a) as being unpatentable over Moritan.

The Examiner does not support the §102(b) rejection independent claim 1 with any citation to the art relied on or any other contention.

As provided in MPEP §706.02 entitled Rejection on Prior Art, anticipation requires that the reference must teach every aspect of a claimed invention.

Applicant submits that Moritan does not support an anticipatory-type rejection by not describing features recited in each of the present application's independent claims. Further, Applicant submits that the dependent claims are not obvious over Moritan for at least the features recited within the base claims.

Independent claim 1 discusses a spindle motor, with a shaft, for a hard disc drive, including "an oil inlet at one side of the sleeve through an outer circumferential surface to the inner circumferential surface of the sleeve, and through which oil is provided into the bearing clearances; and an oil outflow prevention unit installed at an inner side of the oil inlet preventing the oil from flowing out through the oil inlet, but allowing an outflow of air bubbles generated due to gasification of the oil, while the shaft is rotated "an oil inlet at one side of the sleeve through an outer circumferential surface to the inner circumferential surface of the sleeve, and through which oil is provided into the bearing clearances; and an oil outflow prevention unit installed at an inner side of the oil inlet preventing the oil from flowing out through the oil inlet, but allowing

an outflow of air bubbles generated due to gasification of the oil, while the shaft is rotated.

Independent claim 9 recites a spindle motor including "an oil inlet through the sleeve and through which oil is provided into the bearing clearances; and an oil outflow prevention apparatus installed at an inner side of the oil inlet preventing the oil from flowing out through the oil inlet, but allowing an outflow of air bubbles generated due to gasification of the oil, while the shaft is rotated."

Independent claims 17 recites an oil outflow prevention apparatus including "a membrane installed at an inner side of the oil inlet, preventing the oil from flowing out through the oil inlet, but allowing an outflow of air bubbles generated due to gasification of the oil, while the shaft is rotated."

Applicant submits that at least these recited features are not discussed by Moritan.

For example, Moritan does not discuss "an oil inlet at one side of the sleeve through an outer circumferential surface to the inner circumferential surface of the sleeve, and through which oil is provided into the bearing clearances." Rather Moritan discusses (see, col. 4, starting at line 6):

> a member such as a hub which is fixed on an end of the bearing having hole or a recess so that the lubricant can be supplied to the <u>open end</u> part of the sleeve or a sufficient amount of the lubricant can be stored at the open end of the sleeve.

(Emphasis added.)

The Examiner contends that with respect to claims 2, 10 and 17 that "filter 31 (discussed by Moritan) corresponds to the membrane."

Even assuming *arguendo* that Moritan's filter corresponds to a membrane,as the Examiner contends, Applicant submits that Moritan does not does "an oil outflow prevention unit installed at an inner side of the oil <u>inlet</u> preventing the oil from flowing out through the oil inlet, but allowing an outflow of air bubbles generated due to gasification of the oil, while the shaft is rotated." (Emphasis added).

Rather, Moritan merely discusses (see, for example, col. 9, strating at line 24).a filter as preventing "lubricant from dispersing out."

Summary

Since the art relied on by the Examiner does not discuss features recited in each of the independent claims 1, 9, 10, and 17, and *prima facie* obviousness is not established regarding the dependent claims 3-11, 18-20, the rejection should be withdrawn and claims 1-3, 9-11, and 17-20 allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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